IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 915 (SS) of 2004

H.N. Pathak,
S/o Sri Jain Narain Pathak
R/o A – 150, Shastri Puram, Agra,
District – Agra **… Petitioner.**

Versus

1. State of Uttaranchal through Principal Secretary, Medical Dehradun.
2. Director General, Medical, Health and Family Welfare, Uttaranchal, Chandra Nagar, Dehradun.
3. Additional Director, State Vaccine Institute, Patwadangar, Nainital.
4. Senior Treasury Officer, Nainital.

….Respondents.

Hon'ble M.M. Ghildiyal, J

Case called out in revised list. No one is present on behalf of the petitioner. Learned Standing Counsel for State of Uttaranchal on behalf of respondents is present.

By means of this writ petition, the petitioner has prayed for the following reliefs:

i. to issue a writ, order or direction in the nature of mandamus directing the respondents to make payment of pension, gratuity, commutation of pension, General Provident Fund, GIC, last traveling allowance and arrears of bonus for the year 2000 – 2001 along with 18% interest from the date of his retirement.

ii. *Issue any suitable writ, order or direction in the nature of which this Hon'ble Court may deem fit and proper in the circumstances of the case.*

iii. *Award special cost in favour of the petitioner.*

Respondents have filed counter affidavit. In paragraph 6 of the counter affidavit it is stated that certificate of payment of provisional pension / gratuity / encashment was issued by respondent no. 3 to the petitioner vide letter dated 06.09.2004. After receiving the certificate respondent has already made payment to the petitioner vide cheque dated 14.09.2004 towards pension/ gratuity / encashment etc.

In view of the aforesaid statement made by respondent in paragraph 6 of the counter affidavit, writ petition has become infructuous, as such, writ petition is dismissed as infructuous. Stay application no. nil of 2004 is rejected accordingly. No order as to costs.

(MM. Ghildiyal, J)

November 29, 2006
SKSharma